

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:11CR92
)	
Plaintiff,)	
)	
vs.)	
)	
TRACEY L. JONES,)	TENTATIVE FINDINGS
)	
Defendant.)	

The Court has received the Presentence Investigation Report ("PSR") in this case.

The government adopted the PSR (Filing No. 39). The Defendant has not objected to the PSR.¹ The Defendant filed a motion for "downward variance" and a supporting brief and evidence (Filing Nos. 40, 41, 42). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. The parties are notified that my tentative findings are that the PSR is correct in all respects;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

¹The Defendant objected initially to the probation officer, according to the Addendum to the PSR. However, after being granted an extension of time to file a statement of position with respect to the unresolved objections, the Defendant did not file a statement or objections to the PSR as required by ¶ 6 of the Order on Sentencing Schedule. Therefore, the objections referred to in the Addendum are considered waived.

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and
4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 15th day of December, 2011.

BY THE COURT:

s/ Laurie Smith Camp
Chief United States District Judge